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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,611	01/24/2002	Paul Lawrence Mullen	15-SV-6119	9353
44702	7590	07/20/2005	EXAMINER	
OSTRAGER CHONG FLAHERTY & BROITMAN PC 250 PARK AVENUE, SUITE 825 NEW YORK, NY 10177			NGUYEN, QUANG N	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,611

Applicant(s)

MULLEN ET AL.

Examiner

Quang N Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This Office Action is in response to the Declaration of Inventors Swearing Back of Reference filed on 05/18/2005. Claim 8 has been cancelled. Claim 24 has been added as a new claim. Claims 1-7 and 9-24 are presented for examination.

Applicant's arguments, see the Declaration of Inventors Swearing Back of Reference filed on 05/18/2005, with respect to the rejection(s) of claim(s) 1, 7, 9, 12, 15, 18 and 20 under **35 USC § 102(a)** have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of **35 USC § 102(e)**.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-7 and 9-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Babula et al. (US 2002/0004798 A1), herein after referred as Babula.**

4. As to claim 1, Babula teaches a method of remotely servicing a scanner from a central service facility, comprising the steps of:

monitoring traffic on a local area network, said traffic comprising data that conforms to a communications protocol (*a uniform service platform 90 includes hardware, firmware, and software components adapted for composing service requests, transmitting and receiving service data that conforms to a communications protocol such as between the HTTP and DICOM*) (Babula, paragraphs [0039 and 0044]);

specifying a scanner connected to said local area network (*a series of identification areas 208 allow the user insert text to identify both the user and the user's location, wherein the server included in the uniform platform already includes unique system identification data supplementing the information input by the user*) (Babula, paragraph [0060]);

capturing from said local area network traffic data originated from said specified scanner, said captured data comprising at least one image frame;

sending said captured data to a central service facility (*the service request page, image data files, log files, error files, and so forth maybe identified, captured, stored and transmitted to the service facility for evaluation of potential problems in diagnostic system*) (Babula, paragraph [0059]); and

displaying said image frame at said central service facility (*within service facility 22, a bank of operator workstations 86 staffed by service engineers processing the service requests, i.e., inherently enabling to display said image*), wherein said monitoring, capturing and sending steps are performed by a computerized device connected to said local area network (Babula, paragraphs [0038-0039] and [0059]).

5. As to claim 2, Babula teaches the method of claim 1, further comprising the step of diagnosing an image quality problem of said specified scanner that is visible in said displayed image frame (*image data identified for evaluation including both processed, partially processed and raw data from which images are subsequently reconstructed*) (Babula, paragraph [0059]).

6. As to claim 3, Babula teaches the method of claim 1, wherein said captured data is sent from said computerized device to said central service facility via a virtual private network (Babula, paragraph [0048]).

7. As to claim 4, Babula teaches the method of claim 1, wherein said scanner is specified in a communication sent from said central service facility to said computerized device (*service requests and data transmitted between the diagnostic systems and the service facility including data identifying the type and modality of the serviced system, as well as data specifically adapted to the system modality and model, i.e., data identifying the specified scanner*) (Babula, paragraphs [0032] and [0074]).

8. As to claim 5, Babula teaches the method of claim 1, further comprising the step of downloading programming to said computerized device via a wide area network (*software server 154 coupled to a storage device 156 for containing transmittable software packages which may be sent directly to the diagnostic systems via network 80 of Fig. 1, i.e., via the Internet*), said programming enabling said computerized device to perform said monitoring, capturing and sending steps (Babula, paragraph [0050]).

9. As to claim 6, Babula teaches the method of claim 5, further comprising the steps of sending an authorization code from said computerized device to a server via said wide area network, and downloading said programming from said server to said computerized device only if said authorization code is valid (Babula, paragraph [0049]).

10. As to claim 7, Babula teaches the method of claim 1, wherein said communications protocol is DICOM and said data comprises DICOM image files (*adapter 116 may convert the data to and from desired protocols such as between HTTP and DICOM*) (paragraphs [0044] and [0068]).

11. Claims 9-14 are corresponding system claims of method claims 1, 3 and 5-7; therefore, they are rejected under the same rationale.

12. Claims 15-17 are corresponding method claims of method claims 1, 3, 5 and 7; therefore, they are rejected under the same rationale.

13. Claims 18-20 are corresponding system claims of method claims 1, 3-4 and 7; therefore, they are rejected under the same rationale.


14. Claims 21-24 are corresponding method claims of method claims 1-2, 4 and 7; therefore, they are rejected under the same rationale.

15. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RUPAL DHARIA
SENIOR PATENT EXAMINER